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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Movement for Fraternal Union Among Races and Peoples, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[31 January 1990]

THE BANJUL APPEAL TO AFRICAN STATES AND PEOPLES ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

BY

THE PARTICIPANTS OF THE SEMINAR ON THE JUDICIARY AND HUMAN RIGHTS IN AFRICA OF THE AFRICAN ASSOCIATION OF INTERNATIONAL LAW, BANJUL, 17 NOVEMBER 1989

1. For the past thirty years, Africa has been liberating itself from colonialism, imperial domination and exploitation. That struggle has just witnessed another victory with the imminent attainment of political independence and self-determination by the peoples of Namibia. The struggle for the liberation of South Africa continues.

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2. Over the past three decades and more, there have been gross violations of peoples' fundamental rights and basic freedoms and denial of justice in various parts of the African continent. The social and economic conditions of the African have not only remained stagnant but have in recent years become worse and regressive.

3. In an effort to stem these violations, and to arrest further deterioration of the situation, African States adopted, in 1981, the African Charter on Human and Peoples' Rights under which they made a solemn undertaking to achieve the total liberation of Africa, to guarantee the full dignity and freedoms of the African peoples, to eliminate colonialism, neo-colonialism, apartheid, and all forms of discrimination, and to promote and guarantee the independence of the judiciary.

4. Despite this solemn undertaking, the peoples of Africa continue to suffer daily from violations of their fundamental rights and basic freedoms as well as discrimination and inhuman treatment in all forms and ramifications. The judiciaries in some African countries have become instruments of repression and the independence and integrity of the judiciary have been greatly undermined.

5. We, the jurists and human rights advocates participating in the Seminar on the Judiciary and Human Rights in Africa organized in Banjul, The Gambia, from 13 to 17 November 1989, by the African Association of International Law in co-operation with the African Commission on Human and Peoples' Rights and the African Centre for Democracy and Human Rights Studies, Banjul, firmly believe that the time has come for the African continent to develop a culture of respect for human rights, human dignity, humane treatment of all human beings, as well as the principles of democracy. We hereby issue this solemn Appeal to all African States and Peoples:

(i) To take appropriate measures to democratize the national policy and institutions as a pre-condition and fundamental basis for the full enjoyment of the civil, political, socio-economic and cultural rights embodied in the African Charter on Human and Peoples' Rights.

(ii) To take appropriate measures to promote and raise the level of consciousness of the African peoples as a prerequisite to their understanding and appreciation of their fundamental rights and basic freedoms; and to disseminate information on human rights within the national societies and introduce and encourage the teaching of human rights at the various levels of the educational and professional systems.

(iii) In the promotion and protection of human rights, special attention should be paid by States, public authorities and bodies, and non-governmental organizations to the situation of women, the children, the aged, and other disadvantaged groups within the society.

(iv) Since the independence and effectiveness of the judiciary at the municipal level is a pre-condition to the effective guarantee of human rights, all African States should take appropriate measures to guarantee the absolute independence and integrity of the Judiciary and observe the principles and guidelines for the independence of the Judiciary adopted by the General Assembly of the United Nations. States should also desist in the use of extra-judicial tribunals which undermined the role, independence and integrity of the Judiciary.

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(v) Access to the courts and other judicial and legal bodies is a vital component in the guarantee of the fundamental rights of the African peoples. Adequate legal aid should therefore be made available to the poor and under-privileged in every society in order to guarantee their right to fair treatment and justice.

(vi) To introduce measures and encourage the creation and effective functioning of independent bodies, and non-governmental organizations for the promotion and protection of human rights at the national, regional and subregional levels.

(vii) To take appropriate measures to ensure that every African knows of the existence of the African Charter on Human and Peoples' Rights, its provisions and stipulations, and the roles and functions of the African Commission on Human and Peoples' Rights.

(viii) To ensure the independence and autonomy of the African Commission on Human and Peoples' Rights, and take appropriate measures to give all material, human and financial resources to the Commission to enable it to discharge its responsibilities effectively.

(ix) To guarantee the protection, well-being and security of refugees, migrant and stateless persons, and to adopt national legislation and international conventions as provided under the African Charter on Human and Peoples' Rights to grant asylum to people who escape to their territories to avoid persecution by other States.

(x) To adopt effective measures, including municipal legislation, to ensure and guarantee a satisfactory and secure environment favourable to the development of their peoples.

(xi) In the adoption of economic and social policies, such as Structural Adjustment Programmes, States should have due regard to the need to protect and guarantee the economic, social, political and cultural rights of their peoples.

(xii) Appeals to States which have ratified the African Charter on Human and Peoples' Rights to adopt appropriate municipal legislation to give effect to the provisions of the Charter in national laws; also appeals to the States that have not yet ratified the Charter to do so as soon as possible.

(xiii) Immediate steps should be taken to promote, if necessary in collaboration with non-governmental bodies and associations, the translation into African languages and the dissemination as widely as possible of the African Charter on Human and Peoples' Rights.

(xiv) Appeals to non-governmental organizations and associations as well as voluntary agencies to be more actively involved in the dissemination of information on the African Charter on Human and Peoples' Rights, and in ensuring its promotion and implementation.

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[31 January 1990]

Human rights in the Islamic Republic of Iran

1. During 1989 Amnesty International recorded over 1,500 executions for criminal offences, more than 1,100 of them for drug-trafficking offences. Multiple executions of up to 80 victims in a single day in different towns have been reported. Amnesty International has reason to fear that this trend of massive numbers of executions looks set to continue. A senior official in the Iranian Government anti-narcotics organization, Kiumars Abou, was quoted by Reuters on 6 December 1989 as saying that a further 900 drug-traffickers from among 14,000 arrested since March 1989 would be liable to the death penalty.

2. Executions of convicted criminals have been running at an exceptionally high level in Iran since January 1989 when a new law imposing mandatory death sentences on those found in possession of specified quantities of heroin, opium or other proscribed drugs came into force. At the time, the then Chief Justice, Ayatollah Ardebili, gave instructions to the judiciary to speed up the judicial process. He is reported to have recommended that trials in serious criminal cases should take place immediately, and that cases be dealt with in a matter of a few days from arrest to execution.

3. Amnesty International is opposed to the death penalty in all circumstances. It is particularly concerned that defendants charged with drug-related offences do not receive fair trials: they have no right to call witnesses in their defence, and no right to legal representation. On numerous occasions, Amnesty International has requested the Iranian authorities to supply it with information about trial procedures followed in cases where the executions of individuals have been announced in the Iranian press, but it has never received a reply to such inquiries. In the absence of basic safeguards for defendants, miscarriages of justice must inevitably occur.

4. Amnesty International recognizes that the Iranian authorities wish to take effective measures against illicit drug-trafficking and other serious crimes. It does not believe, however, that what seems to amount to a policy of summary execution of suspected traffickers has any place among such measures. In April 1989 the Iranian Prosecutor General is reported to have remarked that he hoped executions would continue until the last smuggler in the country was eliminated. Despite the hundreds of executions carried out worldwide each year there is no evidence that the death penalty has had any discernible effect in reducing drug-trafficking.

5. It has been alleged to Amnesty International that the Iranian authorities are pursuing a policy of falsely accusing their political opponents of involvement in criminal activities so that the opposition is discredited in the eyes of the public. For example, among those executed ostensibly as drug-traffickers have been a number of people allegedly executed for their political activity. These include Mohammad Younessi, executed in Hamedan, Mohammad Gholi Ebrahimi, executed in Rasht, Bizhan Biglari, executed in Kermanshah (Bakhtaran), Bahram Kazemi and Massoud Sabet executed in Shiraz. These five men were among 79 people executed on drug charges on 19 August 1989. Amnesty International asked the Iranian authorities to be informed of the charges against these men and of the procedures followed at their trial, but received no reply to its inquiries.

6. In January 1990 it was reported that Dr. Sepah Mansour, a veterinary surgeon, had been executed in Karaj together with three other people for what were reported to be drug-trafficking offences. It has been alleged to Amnesty International that Dr. Mansour was never involved in illegal drug-trafficking.

7. A further example of this policy of false accusation, it has been suggested, was the arrest of five alleged members of a left-wing opposition organization, the Union of Communists (Ittehad Kommunist-e Hay), which was reported in Keyhan newspaper on 13 September 1989. The leader of the group was said to be Habibollah Salahshur Moghanlu, aged 43. The others were Saed Farhadian, Qumars Yeganeh, Mohsen Hahanfar and Farid Farhadian. The press report stated that they had resorted to theft in order to fund their political activities, and that they were implicated in the murder of two people in Tehran.

8. Amnesty International wrote to the Minister of Justice, Hojjatoleslam Ali Shushtari, in October 1989 seeking assurances that these five men would receive a fair trial, asking to be informed of the procedures followed in the case, and seeking details of the precise charges against them and of the offences they are alleged to have committed. No reply to this inquiry has yet been received.

9. Hundreds of political prisoners continue to be held in Iran, among them an unknown number of prisoners of conscience. At least 2,000 political prisoners were executed in the second half of 1988, in a wave of mass killings in prisons in all parts of the country which followed an armed incursion into western Iran by the Iraq-based opposition group, the People's Mojahedine Organization of Iran (PMOI).

10. Amnesty International continues to receive names to add to its list of prisoners who were reportedly executed during this period. In December 1988 it submitted a list of 325 names of alleged execution victims to the Iranian authorities seeking clarification of the fate of these prisoners. It did not receive a reply to this inquiry about specific named individuals, nor to subsequent inquiries about other named individuals.

11. Since the mass killings, Amnesty International has interviewed dozens of relatives of execution victims. Many of them were not informed of the execution of their family member until months after the event, and were never given access to the body, or even told where it was buried.

12. Amnesty International has not received reports of mass killings of political prisoners since February 1989. It would appear that a majority of long-term political prisoners from the PMOI and other opposition groups (such as the People's Fedayan Organization and the Tudeh Party) were either executed, or else released after an amnesty, in February 1989, to mark the tenth anniversary of the revolution which brought the Islamic Republic into being. At the time of the amnesty it was announced that 2,600 out of 3,500 political prisoners were to be released. It has not been possible to verify these official figures. Many of those who were released have been forced to "repent" of their previous activities and to sign guarantees of future good conduct. Former prisoners who break such guarantees - for example, by leaving the country - risk their relatives being fined or imprisoned.

13. Among prisoners of conscience still held in Iran are a group of women detained during 1982 and 1983 for their support of the Tudeh Party, which at the time was a legal political party. They are among approximately 100 women political prisoners reportedly held in Evin Prison, who may include other prisoners of conscience. Many of them are being held indefinitely without charge or trial. Others have been tried by Islamic Revolutionary Courts: trials in such courts are said often to last only a matter of minutes with the defendant being given no right to be defended by a lawyer, to call witnesses in his or her defence or to appeal against the verdict or sentence of the court.

14. Periodically, unconfirmed reports have been received that some or all of the women political prisoners held at Evin Prison may be at risk of execution. Given the nature of the massive wave of executions which occurred in Iranian prisons in the second half of 1988, where it is still not known what, if any,

judicial proceedings preceded the carrying out of executions, such fears cannot be discounted. Past practice would suggest that there are no safeguards against arbitrary detention and summary execution for suspected political opponents of the Government.

15. Amnesty International continues to receive reports of torture and ill-treatment of political prisoners in Iran. In 1989, it received reports of prisoners being beaten with sticks and cables for breaches of prison discipline, such as refusing to take part in compulsory prayers.

16. Judicial punishments which constitute torture or cruel, inhuman or degrading punishment continue to be meted out. During 1989 Amnesty International recorded five cases where people convicted of repeated theft had four fingers of the right hand amputated, or the whole hand. Hundreds of people were sentenced to floggings which are imposed for a wide variety of offences, sometimes together with other punishments.

17. Amnesty International welcomed the decision by the Iranian authorities to grant access to the United Nations Special Representative to investigate human rights abuses in Iran. It hopes that this invitation may signal a new commitment on the part of the Iranian Government to respect and protect the fundamental human rights of all its citizens. It hopes also that the Iranian authorities will take urgent steps to stop executions; put an end to torture; release all prisoners of conscience, and give a fair trial to all other political prisoners. It hopes that safeguards will be implemented to prevent any recurrence of such violations.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 4

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE

Written statement submitted by Amnesty International, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[24 January 1990]

ISRAELI OCCUPIED TERRITORIES

1. Amnesty International remains seriously concerned about the human rights situation in the Israeli Occupied Territories more than two years since the beginning of the Palestinian intifadah. Of particular concern during 1989 was the extensive use of administrative detention without charge or trial, allegations of torture and ill-treatment, and the killing of unarmed civilians by Israeli forces.

2. During 1989 over 4,000 Palestinians served periods in administrative detention without charge or trial. About 1,500 remain in detention, the vast majority in harsh conditions in the Ketziot detention camp in Israel. In August 1989 military regulations for the Occupied Territories extended the maximum duration of administrative detention orders, which are renewable, from six to twelve months.

3. As in previous years, administrative detainees included prisoners of conscience - people held exclusively for the non-violent expression of their beliefs. Although the right to judicial review remained available to all detainees, crucial information about the reasons for detention were almost invariably withheld from the detainees and their lawyers, mostly on the grounds that its disclosure would endanger the life of informants. This seriously impeded any meaningful exercise of the right to challenge the detention.

4. In a report published in June 1989 Amnesty International called on the Israeli authorities to review the appropriateness and necessity of maintaining the practice of administrative detention. It also called for all detained prisoners of conscience to be released immediately and unconditionally, and for the other detainees to be released unless they were given an adequate opportunity to exercise effectively their right to challenge their detention. Amnesty International wishes to stress in particular that it does not accept that details of the evidence cannot be disclosed more often, and considers that administrative detention should not be used to avoid the safeguards of a regular criminal justice system.

5. Thousands of other Palestinians were tried by military courts in the Occupied Territories during 1989. Some reportedly received sentences of up to five years' imprisonment for stone-throwing and up to nine years for throwing petrol bombs. Lawyers repeatedly went on strike to protest against aspects of the legal process. Their complaints included failure to inform detainees promptly about the reasons for their arrest; frequent and prolonged adjournments of hearings often caused by the State's failure to produce detainees or witnesses; and remand hearings held without defence lawyers. While welcoming the introduction of a military court of appeal in the Occupied Territories in April, Amnesty International considers that the Israeli authorities should take all necessary steps to ensure prompt and fair trials for alleged political offences.

6. At least 45 Israeli Jews were held as prisoners of conscience in 1989, the large majority for refusing to undertake certain types of military service, such as duties in the Occupied Territories. The Israeli Government maintains that selective conscientious objection to military service is unacceptable. Amnesty International considers that all imprisoned objectors to military service are prisoners of conscience in the absence of an alternative, non-punitive civilian service.

7. Thousands of Palestinians were beaten while in the hands of Israeli forces or were ill-treated in detention centres. Victims of punitive beatings, included people who refused to clear road-blocks or delete graffiti, or who were suspected of having thrown stones. Many suffered severe injuries, particularly fractures, and at least six reportedly died. Allegations of torture and systematic ill-treatment of political detainees indicated

extensive use of methods such as beatings on various parts of the body, hooding, prolonged standing, sleep deprivation and confinement in coffin-sized cells.

8. The only trial known to have been completed in 1989 for torture-related offences involved four soldiers who in May received effective gaol sentences of up to nine months' imprisonment. In 1988 they had beaten a man who subsequently died in custody, apparently after further beatings by other soldiers not yet brought to justice. The sentences on the four were later reduced and all were released by September. On 18 January 1990 it was announced that an officer who two years earlier had allegedly ordered troops to break the limbs of Palestinians in order to punish them was to be court-martialled. This followed a decision by the High Court of Justice, petitioned by the Association for Civil Rights in Israel, ordering the military prosecuting authorities to reverse an earlier decision not to press charges.

9. The death in custody of four detainees in 1989 was of particular concern to Amnesty International. One was shot dead in February, apparently during a riot in Megiddo Prison. Two others died in March and December while being held for interrogation by the General Security Service (GSS) in Gaza Prison. According to independent pathologists acting on behalf of the victims' families, one died of a perforated stomach ulcer, but the stress of the interrogation, including physical violence, and inadequate medical attention were contributory factors; the other died from internal bleeding from blows to the abdomen. A fourth detainee died in the same prison in December, apparently after committing suicide.

10. Earlier this January it was announced that the Israeli authorities intend to prosecute two GSS interrogators apparently involved in the death of one of these detainees. Amnesty International welcomes this announcement, but remains gravely concerned at the treatment of detainees held in Israeli detention facilities, and particularly at the interrogation practices of the GSS in Gaza Prison. It believes that the Israeli authorities should take all appropriate measures to prevent the recurrence of abuses, particularly the measures outlined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights. Neither has been ratified by Israel.

11. In a report released in January 1990, Amnesty International expressed fear that the Israeli authorities have effectively condoned and even encouraged extra-judicial executions of unarmed Palestinian civilians in order to help control unrest in the Occupied Territories. During 1989 more than 260 unarmed Palestinian civilians were shot dead by Israeli forces. Several others were killed by Israeli settlers or Palestinians believed to be collaborating with the Israeli authorities. Almost half the victims were aged 18 or below, and about 20 were aged 12 or below. Although most killings appear to have taken place during demonstrations or riots, in many cases the victims did not appear to have been involved in life-threatening or even violent activities. Unarmed Palestinians were also killed by soldiers or Israeli plainclothes personnel during operations ostensibly aimed at arresting them. After some shooting incidents, Israeli forces obstructed emergency medical care for the casualties.

12. Amnesty International is particularly concerned that the existing official guidelines on opening fire appear to permit Israeli forces to commit unjustifiable killings of people who are involved in activities which do not necessarily endanger life. If so, these guidelines are incompatible with the internationally recognized principles of necessity and proportionality in the use of force, as embodied in the Code of Conduct for Law Enforcement Officials. Amnesty International regrets the Israeli Government's stated position that the Code is not legally binding on Governments and that it is not intended to apply to situations such as exist in the Occupied Territories.

13. Further, despite the high incidence of civilian deaths caused by the Israeli forces' use of firearms in apparent violation of existing guidelines, the authorities do not seem to investigate fatal shootings adequately. Official investigations appear to rely mainly on evidence gathered from the soldiers or police involved, take a long time to complete, and their findings are not automatically publicized. Only two soldiers are known to have been convicted by court-martials and gaoled for fatal shootings during 1989. One received an effective gaol sentence of three months, the other an effective gaol sentence of two years, still under appeal. Amnesty International believes that the Israeli authorities should implement fully in this respect the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.

14. Amnesty International is aware that Israeli forces operating in the Occupied Territories have been faced with violence, and that soldiers and civilians have died as a result, including about 130 Palestinians alleged to be collaborating with Israeli forces who were killed by other Palestinians in 1989. Amnesty International has recently reiterated its condemnation of violence against prisoners by anyone. It has also noted the measures taken so far by the authorities in response to abuses by Israeli forces, and welcomes in particular the directives sent last September by the Chief of Staff reminding soldiers that they should not use force as punishment nor hinder medical assistance to casualties.

15. Amnesty International, however, believes that the measures taken are not a sufficient response to the scale and seriousness of human rights abuses committed by Israeli forces in the Occupied Territories, and that in some respects the authorities are effectively encouraging the perpetration of such abuses. It has repeatedly called for a comprehensive judicial inquiry into all alleged human rights violations by Israeli forces in the Occupied Territories since the beginning of the Palestinian intifadah. Amnesty International wishes to stress in particular the need for an urgent review of the guidelines and practice on the use of force, including lethal force, and for thorough and speedy investigations, the methods and findings of which should be made public.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 7 (a)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(a) PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DELCARATION ON THE RIGHT TO DEVELOPMENT

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[1 February 1990]

The 82nd Inter-Parliamentary Conference, which marked the centenary of the Union's founding and was held in London from 1 to 9 September 1989, adopted without a vote a resolution on the topic of "The population and food equation and the search for rational and efficient solutions to the problem of Third World debt to ensure that the world can eat". The members of the Commission on Human Rights will find below, for their information, the text of this resolution, adopted without a vote.

THE POPULATION AND FOOD EQUATION AND THE SEARCH FOR RATIONAL AND EFFICIENT SOLUTIONS TO THE PROBLEM OF THIRD WORLD DEBT TO ENSURE THAT THE WORLD CAN EAT

The 82nd Inter-Parliamentary Conference,

Stressing that the right to food is a universal human right and, for millions of people in the world, is synonymous with the right to life,

Noting that armed conflict and man's inhumanity to man constitute major threats to the food security of millions of human beings,

Expressing grave concern at the serious and steadily worsening situation of food and agriculture in many developing countries, particularly in Africa, where food production is outstripped by population growth,

Further expressing grave concern that while global food production is increasing at a faster rate than population growth, food aid has not increased,

Deeply concerned by the fact that over 500 million human beings throughout the world suffer from hunger and malnutrition, in particular children, pregnant women, women who have just given birth and the aged, who are the most vulnerable to this condition,

Noting with regret that the main goal of the 1974 World Food Conference, namely, to eradiate hunger in the world within a decade, will not be achieved even by the end of this century,

Recalling that the imposition of coercive economic measures constitutes a breach of international law and a violation of the United Nations Charter,

Emphasizing therefore that food and agricultural issues must remain at the core of global attention,

Stressing that the hunger and malnutrition affecting an increasing number of people are the most glaring evidence of the present inferior position of developing countries in the world economy and of the unfavourable conditions prevailing in international economic relations,

Recognizing that agriculture is a key sector in the achivement of social, economic and financial balance in developing countries for most of which food and agricultural self-sufficiency is a priority goal,

Concerned that the economies of developing countries are affected, inter alia, by an unfavourable international economic environment characterized by worsening terms of trade, a new outflow of financial resources from the developing countries as a whole, a growing debt burden, depressed prices for most commodities and rising protectionist pressures, which prevent their economic growth and development,

Emphasizing that the external debt problem of developing countries is a growing threat to their economic, social and political stability and that as a result of the increasing interdependence of the world economy, it would also have a negative impact worldwide.

Recognizing the need for effective international co-operation and consultation, primarily between debtors and creditors, in order to solve the external debt problem of developing countries on a lasting, fair and mutually acceptable basis,

Noting that a global strategy of debt relief for developing countries is long overdue,

Recognizing that creditor countries have already taken concrete measures regarding this matter,

Reaffirming the shared responsibility of all parties involved in resolving the external debt crisis,

Recognizing that dire poverty is generally coupled with major threats to the environment such as soil degradation and erosion, desertification and deforestation,

Stressing that sustainable protection of the environment should be an integral part of development planning,

Aware that the world population was 5 billion in 1988 and will reach an estimated 6.1 billion by the year 2000, that 90 per cent of the projected population increase will take place in developing countries, and that by the year 2000 there will be nearly 1.6 billion women of child-bearing age in developing countries,

Noting that population growth estimates for coming years reveal even greater challenges for the future,

Deeply concerned that the growing world population is placing a strain on food supply and security,

Noting that, although women carry out 60 to 90 per cent of agricultural production, their role in family planning, population, agricultural and environmental activities is often overlooked in development assistance programmes,

Also noting the role of women as mothers, wives and productive forces, and stressing the importance of their participation on an equal footing with men in social, economic and political life,

Further noting that the provision of adequate food supplies for the world's populations, particularly those in poorer countries, poses an intellectual, moral and logistic challenge for all peoples and all nations,

Also noting with concern that drift net fishing is likely to seriously affect fishery resources and the Third World's ability to obtain food supplements,

Recalling the following:

(a) United Nations General Assembly resolutions on:

- The recommendations of the World Conference on Population (1974);
- The International Development Strategy in the context of the Third United Nations Development Decade (35/56);
- The United Nations Programme of Action for African Economic Recovery and Development 1986-1990;
- The Substantial New Programme of Action for the 1980s for the Least Developed Countries (35/205);
- Agro-food problems (33/134, 41/191, 43/190, 43/191);
- The Final Act adopted by the seventh session of the United Nations Conference on Trade and Development (UNCTAD);
- The document on the African position with regard to Africa's foreign debt crisis;
- The strengthening of international co-operation in relation to foreign debt problems (41/303, 43/198);

(b) The Charter of Economic Rights and Duties of States;

(c) The declarations and initiatives of the World Food Council concerning the struggle against hunger in the world (Beijing Declaration - June 1987, Cyprus Initiative - June 1988, Cairo Declaration - May 1989);

Further recalling the terms of the resolution adopted by the 69th Inter-Parliamentary Conference (Rome, 1982), on hunger in the world,

Also recalling the resolutions adopted by:

- The 71st Inter-Parliamentary Conference (Geneva, 1984), on population problems;
- The 73rd and 74th Inter-Parliamentary Conferences (Lomé and Ottawa, 1985), on the problem of international debt;
- The 77th Inter-Parliamentary Conference (Managua, 1987), on the establishment of equitable international trade;

Lastly recalling the Conclusions and Recommendations of the Inter-Parliamentary Conference on Agricultural Development and Food Security in Africa (Harare, 1986),

Noting the efforts made by United Nations agencies and bodies such as the Food and Agriculture Organization of the United Nations (FAO), the United Nations Population Fund, the World Food Programme, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), as well as other governmental and non-governmental organizations, to solve the world's population and food problems,

Population

1. Affirms that family planning is a basic human right and that all persons should have access to information and education in order to exercise that right in determining their family size and birth spacing without outside intervention;

2. Also affirms the right of Governments to establish their own national population policies which should in no way prejudice the right to voluntary choice of family size;

3. Calls on all Governments to assume responsibility for providing the educational opportunities needed to secure economic, social and political equality and fundamental rights for women;

4. Recommends that service delivery systems be expanded to ensure that the 300 million women reported in the United Nations World Fertility Survey as not practicing family planning have access to it;

5. Calls on all Governments to place an emphasis on activities in the health sector, including measures to reduce infant and maternal mortality and to promote child care and birth spacing;

6. Further calls on all Governments to increase population activities in the educational sector, including family-life education in schools and educational programmes to encourage social and economic development within populations and to develop the local human resource base;

7. States that the creation of peaceful conditions of development for members of the world community, continuing demilitarization and humanization of international relations, progress in disarmament and the defusing and settlement of regional conflicts are essential pre-conditions for the effective solution of global problems in the interests of all nations, and must take due account of the special needs of developing countries;

Food

8. Urges the Parliaments and Governments of all countries to make concerted efforts at the national and international level aimed at eradicating hunger in the world, and to view this objective as one of the priority tasks of the international community;

9. Stresses that there will only be a lasting improvement in the world food situation when the developing countries increase their food production and attain self-sufficieny;

10. Stresses also that the solution of the food problem in developing countries is their own basic and primary responsibility;

11. Recommends to all creditor nations that they agree to low interest rates for food import assistance and funds provided to strengthen the agricultural sector, including rural infrastructure, thereby helping those countries where production lags behind population growth to obtain food and, from a long-term planning point of view, to harness their considerable known reserves of potential arable land;

12. Calls for sustained and adequate international support and co-operation in order to establish food security in developing countries;

13. Stresses in particular that structural adjustment programmes to reduce subsidies for food products and inputs and cut back education and health budgets can only increase under-development in these countries and jeopardize their food security;

14. Welcomes the conclusions and recommendations of the 14th ministerial session of the World Food Council, held in Nicosia in May 1988 and, in particular, the Cyprus Initiative, as well as the Beijing Declaration (1987) and the Cairo Declaration (1989) affirming that the world possesses the technological means to combat hunger, and urges all Governments to contribute to the full implementation of these documents;

15. Notes with appreciation the activities and role of the United Nations, particularly those of FAO, in improving the world food situation and eradicating hunger, and supports the further development of FAO's Global Information and Early Warning System;

16. Urges Governments and Parliaments to establish a joint food reserve, such as those already set up by the member countries of the South Asia Association for Regional Co-operation (totalling between 200,000 and 300,000 tons) and the Association of South-East Asian Nations (totalling 53,000 tons);

Debt

17. Deplores the coercive measures frequently applied by certain developed countries against Third World countries as a means of exerting political pressure, and which create a critical economic situation in the countries concerned;

18. Calls for the adoption of the United Nations General Assembly draft decision sponsored by the Group of 77 on the establishment of an advisory International Debt and Development Commission, and for this Commission to develop appropriate mechanisms or modalities effectively to implement debt reduction schemes;

19. Stresses that the improvement of global economic conditions and more equitable distribution of income and wealth are fundamental pre-conditions for an effective solution to the problems of hunger and malnutrition;

20. Urges Parliaments to give strong and active support to current efforts made in the Uruguay Round of multilateral trade negotiations to reduce agricultural support and protection, particularly in developed countries;

21. Stresses that the debt crisis has a negative impact on the world economy, in particular on international trade, and that concrete measures and actions by both debtors and creditors are needed to alleviate the debt burden of developing countries and open up new avenues for the sustained economic growth and development of all countries, and of the developing countries in particular;

22. Expresses deep concern at the increasing external debt problem of developing countries, which represents the most serious hindrance to their economic growth and development;

23. Acknowledges the urgency of reducing real interest rates and extending payment, grace and consolidation periods so as to alleviate the debt burden of developing countries, and stresses that the official debts of the least developed countries should be cancelled or partly converted into grants;

24. Emphasizes that in providing assistance to developing countries so that they may pursue adjustment programmes, the International Monetary Fund (MF) should not use conditionality criteria that fail to take account of the particular economic, political and social situation and objectives of these countries;

25. Appeals to the Governments of the developed countries to accord exemption from debt repayment to countries suffering from famine and to show special appreciation to countries that have succeeded in meeting their international foreign debt obligations;

26. Stresses also the need to reverse the disquieting rise in protectionism in developed countries, points out that trade liberalization, as envisaged in the Ministerial Declaration launching the Uruguay Round of multilateral trade negotiations, should confirm the validity of the principle of the differential, more favourable, non-reciprocal and non-discriminatory treatment of developing countries, thus contributing to national economic growth and social progress in these countries, and confirms the need for the full implementation of the provisions of the Declaration of Punta del Este concerning tropical products;

27. Calls for the effective elimination of protectionist market regulations in the industrial countries in order to provide genuine export opportunities for Third World countries;

28. Affirms that all forms of protectionism hamper the liberalization of world trade and deprive developing countries of outlets and, consequently, of a continuous supply of the resources they need to accelerate modernization of their agricultural sectors and increase food production and productivity;

29. Urges all debtors and creditors to continue to seek, through dialogue and on the basis of shared responsibility, a lasting, fair and mutually agreed solution to the external indebtedness of developing countries;

30. Also urges the United Nations Secretary-General to encourage the members of the international community to demonstrate the political will to convene an international conference on foreign debt under United Nations auspices in which all member States would participate fully and on an equal footing;

31. Weclomes as a positive development the evolution in approaches to the debt problem of developing countries on the part of creditor countries, including the latest initiative to reduce debts and debt service;

32. Recommends to the Parliaments of countries represented in the IPU that they place the food question and the debt problem of developing countries on the agenda of their sessions;

Food resources and sustainable development

33. Affirms that the protection of the earth's environment and resource base for future generations is a collective responsibility;

34. Urges Parliaments and Governments to face the ecological threats affecting the production of food on our planet, including toxic wastes, soil degradation and erosion, desertification, deforestation and the depletion of the ozone layer, and especially urges the industrialized countries to decrease their consumption of natural resources as recommended in the Brundtland report;

35. Stresses that food should be produced in ways which do not disturb the ecological balance;

Follow-up

36. Recommends that the governing bodies of the Inter-Parliamentary Union consider the establishment of an approriate mechanism/body within the Organization to follow up the deliberations on item 4 of the agenda of the 82nd Inter-Parliamentary Conference, and that such a body might be entitled the Group on Population, Food and Development.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 7 (c)

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING:

(c) POPULAR PARTICIPATION IN ITS VARIOUS FORMS AS AN IMPORTANT FACTOR IN DEVELOPMENT AND IN THE FULL REALIZATION OF ALL HUMAN RIGHTS

Written statement submitted by the Inter-Parliamentary Union, a non-governmental organization with consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[31 January 1990]

GE.90-15560/2676a

1. On many occasions, it has been established within the Inter-Parliamentary Union that development, human rights and political participation cannot be dissociated.

2. At the national level, popular participation in the determination of fundamental policy trends and the administration of public affairs is ensured, in essence, through Parliaments, the national representative institutions, and one of the main aims of the Inter-Parliamentary Union as the world organization of national Parliaments is of course to promote and strengthen such institutions.

3. The Union carries out this mission in various ways, in particular through the dissemination of information concerning Parliaments and, for some years, through a programme of technical co-operation with Parliaments in developing countries wishing to strengthen their infrastructure. Regular meetings are held on various aspects of parliamentary life and comparative studies are produced on the structure and functioning of Parliaments in all of the world's countries; in addition, every year since 1967, a chronicle of Parliamentary Elections and Developments has appeared which reports on major changes in Parliaments during the period under review and contains information on the electoral system of Parliaments in countries where elections have been held during the same period, together with the results of such elections.

4. The programme of technical co-operation with Parliaments in developing countries is run in co-operation with intergovernmental institutions such as the United Nations Development Programme, governmental institutions and Parliaments of countries with long-standing parliamentary traditions. It is based on the notion that, in addition to performing legislative functions and a role of scrutiny of the Executive, Parliaments in developing countries play an especially important role in the planning and development process in that they adopt the necessary development plans and economic legislation. Because of their direct knowledge of grass-roots situations and their daily contacts with the people they represent, parliamentarians can make sure that the concerns and interests of the people are duly taken into account; they further make a key contribution to the implementation of plans and legislation for development by securing the support of the people, to whom they explain the national priorities and policy trends which have been set.

5. In promoting popular participation as exercised through national representative institutions, the Inter-Parliamentary Union could not help but note the low participation in these institutions of a vast share of the population: women. Accordingly, it held in Geneva, from 20 - 24 November 1989, an Inter-Parliamentary Symposium on the Participation of Women in the Political and Parliamentary Decision-making Process. The Symposium made possible an exchange of views between 150 parliamentarians from 66 countries, some 30 experts and national advisors, some 30 representatives of 17 international organizations and media representatives, all placed on an equal footing. It further provided an opportunity for a round-table with the press on the image of women politicians and the media. The synthesis of the debates, presented at the close of the Symposium by the Chairwoman, Dr. Laila Takla, a member of the Egyptian Parliament and a member of the Union's Executive Committee and a complete report on the Symposium (in English and French) is available for consultation at the Centre for Human Rights.

6. On the occasion of the Symposium, the Inter-Parliamentary Union published, in the form of a colour-coded poster showing a map of the world, a graphic projection of the percentage of women in National Parliaments as at 30 June 1989. On that date, the overall average - down 2 per cent for women when compared with the average at 1 January 1988 - was as follows: Women: 12.7 per cent; Men: 87.3 per cent. Copies of the map (in English, French and Spanish) are available to members of the Commission on Human Rights and those interested.

7. It is, however, clear that the Inter-Parliamentary Union's interest goes beyond indirect forms of popular participation, exercised at the level of national representative institutions. With regard to development, it has recommended other forms of popular participation as may be seen, for example, in the following extracts taken from the conclusions and recommendations of its regional conferences on "Health - A Basis for Development in Africa", held in Brazzaville in 1988:

> "People are just as much the driving-force as the beneficiaries of development.
>
> By enabling their people through genuine community participation to become the agents of their own development rather than merely passive beneficiaries, Governments forge a truly productive partnership with the citizenry.
>
> Decentralization of power, authority and financial control to the district level is an effective administrative measure that brings Government closer to the people and promotes true development defined as 'releasing people's creativity and liberating their initiatives'.
>
> In the process of decentralizing power to local authorities, Governments often fail to prevent local élites from monopolizing this power or using it to exploit the poorer population or deprive it of the benefits intended for them.
>
> Government personnel have a tendency to impose their views of development on communities instead of viewing development from the people's perspective. Those who adopt the latter approach recognize and respect people's knowledge and listen to and involve them in programme or project development from the beginning, that is, in problem identification, strategic planning, decision taking, prioritizing, implementing, monitoring and evaluating actions.
>
> The practice still obtaining in many African countries whereby the people merely serve as providers of labour on a project formulated and imposed by external groups, creates dependency and undermines the community's sense that it 'owns' the project and is therefore responsible for its successful implementation.
>
> Government development programmes may fail to assess which groups in a community are likely to benefit and which may actually be victimized by the results. An accurate assessment is more likely and corrective measures more realistic if the community is involved in the discussion.

Community participation requires that people organize themselves so as to raise their collective consciousness of their situation, reach decisions and take unified action. It is an ongoing process with numerous obstacles both inside and outside the community.

The rationale for community participation stems from several principles:

(a) People have a right to participate as citizens in development and nation-building;

(b) When people participate, their economic productivity and implementation of programmes and projects are enhanced through high morale, better understanding and control over what is happening;

(c) Sustainability is reinforced through community participation even after the external proponements or partners have left the community.

Recently, communities have shown a strong capacity to take action in partnership with the Government when outside resources have been made available, e.g. schools and teachers, labour for and maintenance of water pumps. The weakness still lies in the difficulties Governments encounter in evolving a strategy for tapping the community's strengths and eliciting the people's active participation.

Community groups are frequently hampered in their development efforts by lack of information on how the Government expects to proceed with a programme or project. More generally, communication by the Government of important messages often fails to reach people in appropriate or timely fashion.

Non-governmental organizations (NGOs) usually work well with communities since their staff members tend to reside in the vicinity, know the local situation, serve as facilitators, and show themselves to be organizationally flexible, innovative and cost-effective. Their efforts with community groups demonstrate methodologies that can be usefully applied to the population at large.

Bureaucratic and administrative procedures sometimes undermine the interest of communities in participation by being overly restrictive and controlling in their orientation rather than liberating and supportive."

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 11 (b)

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION:

(b) NATIONAL INSTITUTIONS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Written statement submitted by the Inter-Parliamentary Union*, a non-governmental organization with consultative status (category I)

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*/ One hundred and twelve National Parliaments are current represented within the Inter-Parliamentary Union which also has an associate member, the European Parliament: Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Central African Republic, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Senegal, Singapore, Somalia, Spain, Sri Lanka, Suriname, Sweden, Swizerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, USSR, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 January 1990]

1. A continuous feature of the Union's activities in the field of human rights is its efforts to strengthen or establish national institutions for the promotion of human rights and legal and other machinery to ensure that these rights are respected. The most recent initiative in this connection was the subject of the following resolution, adopted by the Inter-Parliamentary Council (the plenary governing body of the Organization) at the Meetings which marked the centenary of the Union's founding and were held in London from 1 to 9 September 1989:

THE FORMATION OF PARLIAMENTARY GROUPS FOR THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(Resolution adopted by 86 votes to 6, with 21 abstentions)

The Inter-Parliamentary Council,

Mindful of the fact that the countries of most member Groups of the Inter-Parliamentary Union have given a firm commitment to uphold the Universal Declaration of Human Rights,

1. Calls on all members of Parliament in countries represented in the Union to take up human rights issues and to establish to that end parliamentary bodies for the promotion and protection of human rights;

2. Encourages the formation of groups concerned with human rights within Parliaments, as one appropriate means of protecting human rights. The principal tasks of such groups would be to work for the release of prisoners of conscience, fair trials for political prisoners and an end to both torture and executions, worldwide;

3. Stresses that parliamentarians, through greater involvement in human rights issues, can exert pressure on foreign Governments regarding human rights abuses, and can also exert pressure on their own Governments to encourage consistent and impartial action on behalf of the victims of such violations by means of bilateral representations.

2. A world survey is currently under way to gather information on formal (standing or ad hoc committees) or informal (groups of parliamentarians) human rights bodies in the various National Parliaments.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the Inter-Parliamentary Union a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 February 1990]

1. A continuous feature of the Inter-Parliamentary Union's activities in the field of human rights is its defence of the human rights of parliamentarians. This action is based on a Procedure for the examination and treatment of communications concerning violations of the human rights of parliamentarians which was established by the Inter-Parliamentary Council and has been in force since 1 January 1977.

2. Those wishing to obtain detailed information on the characteristics and functioning of this procedure may refer to document E/CN.4/1989/NGO/10 presented at the forty-fifth session of the Commission on Human Rights in 1989, and to the article by the Secretary-General of the Inter-Parliamentary Union in the first issue for 1990 of the Human Rights Bulletin published by the United Nations International Centre for Human Rights.

3. It may however be recalled that a Committee on the Human Rights of Parliamentarians, composed of five parliamentarians, cross-examines complaints confidentially. This Committee meets in camera four times a year and reports to the Inter-Parliamentary Council at that body's semi-annual sessions on cases for which a satisfactory settlement has not been reached within a reasonable amount of time in the context of the confidential procedure. When a case is brought to the attention of the Inter-Parliamentary Council, it gives rise to resolutions which the Union's members help to implement. A file is closed when the Committee or, depending on the case, the Inter-Parliamentary Council, feels that there has been a satisfactory settlement or further action by the Inter-Parliamentary Union is no longer warranted.

4. In 1989, the Committee brought 29 cases in 9 countries to the attention of the Inter-Parliamentary Council. Resolutions were adopted by the Inter-Parliamentary Council on those cases and a number of files were closed during the year. The cases are as follows:

(a) Three cases in Chile:

(i) Two members of the Chilean Congress, dissolved in 1973, Mr. Carlos Lorca Tobar and Mr. Vicente Atencio Cortes, who disappeared in 1975 and 1976, respectively, following their arrest by officials in plain clothes in the presence of witnesses. The Council has emphasized its conviction that the Chilean Government is directly or indirectly responsible for the forcible disappearance of the two parliamentarians, and has reiterated that the file could not be closed until full light has been shed on their fate;

(ii) A former parliamentarian, Mr. Oscar Guillermo Garretón, who returned to Chile after several years in exile ane who was under prosecution for acts of sedition allegedly committed prior to his exile; this file was closed in March 1989.

(b) Four cases in Colombia: Two members of the Senate, Mr. Pedro Nel Jimenez Obando and Mr. Pedro Luis Valencia, who were killed on 1 September 1986 and 14 August 1987, respectively, and two members of the House of Representatives, Mr. Leonardo Posada Pedraza and Mr. Octavio Vargas Cuellar, who were killed on 30 August and 15 December 1986, respectively. The two Chambers of the Colombian Congress and the Inter-Parliamentary Council have repeatedly called for in-depth inquiries into these killings. In September 1989, the Council noted with deep regret that no progress had been observed in the investigation of the four affairs. While conscious of the situation of violence prevailing in Colombia and of the serious obstacle which this presented for police and judicial action, it stressed the importance it attached to everything being done to identify those responsible for the deaths of the four parliamentarians and to their being tried and punished in accordance with the law. It therefore invited the Government, the Judiciary and the National Congress of Colombia to do everything in their power, within the framework of their respective areas of competence, to ensure that the identity and motives of those responsible for the deaths of the four parliamentarians were fully elucidated. It reiterated that that would constitute a guarantee for all members of the Colombian Parliament, several of whom have been the victims of criminal attacks and who are permanently exposed to attacks on they physical integrity.

(c) Two cases in Guinea-Bissau: Two members of the National People's Assembly, Mr. Lamine Cisse and Mr. Buota Nam Batcha, who were found guilty of crimes against State security on 12 July 1986. Mr. Buota Nam Batcha was given a 15-year prison sentence, while Mr. Lamine Cisse was sentenced to death, the latter penalty then being commuted to 15 years' imprisonment. The Inter-Parliamentary Council was led to doubt that their trial had been in full conformity with international standards of fair trial, and requested the Authorities of Guinea-Bissau to examine the situation of the two former parliamentarians in the most favourable light, and to consider releasing them. The two prisoners were finally amnestied and released. The file was closed in September 1989.

(d) One case in Honduras: Mr. Miguel Angel Pavón Salazar, a member of the National Congress and an active member of the Honduran Committee for the Defence of Human Rights (CODEH), who was murdered on 14 January 1988 shortly after having testified to the Inter-American Court of Human Rights in a case concerning four disappearances in Honduras between 1981 and 1984. The Council took note of the information and views transmitted on the case, including that provided by the Supreme Court of Justice of Honduras. It deeply regretted having to observe that no progress had been made in the investigation of the affair, and expressed its anxiety at the nature of the information conveyed to it, at the apparent superficiality of the conclusions drawn from certain factual data, and at the fact that some members of the armed forces denounced as being the authors of the crime did not seem to have been summoned to appear in court. It emphasized once more the importance it attached to the utmost being done to identify those responsible for the death of Mr. Pavón Salazar and ensure that they were tried and punished according to the law, and hoped that, whatever the technical or other circumstances that may limit the action of the judiciary, greater effort would be made so that the investigation might produce results. It appealed along these lines to the governmental and judicial Authorities as well as the National Congress of Honduras.

(e) One case in Indonesia: A former parliamentarian, Mrs. Abdurachman Sundari, who was arrested in October 1968 in the context of the events of September/October 1965, and was sentenced in 1976 to life imprisonment; her sentence was commuted to 20 years' imprisonment in 1985 without any account having been taken of the eight years she spent in pre-trial detention. For some years, the Inter-Parliamentary Council has called unceasingly for her release; it sent a delegation to Indonesia in 1988. Mrs. Sundari was indeed released on 17 August 1989 and the file was closed in September 1989.

(f) Seven cases in Malaysia: The following seven members of the House of Representatives of Malaysia who were arrested in October and November 1987 under the Internal Security Act and placed in ministerial detention or, following their release from detention, subjected to ministerial measures restricting their freedom: Mr. Lim Kit Siang, Leader of the Opposition, Mr. Karpal Singh, Mr. P. Patto, Mr. Vethamuthu David, Mr. Lim Guan Eng, Mr. Lau Dak Kee and Mr. Tang Seng Giaw. The Inter-Parliamentary has called for their release; it sent a delegation to Malaysia in 1988. All those parliamentarians have by now been released and the file was closed in September 1989.

(g) Six cases in Somalia: Six former parliamentarians who, after having spent over five years in detention, were charged and tried by the State Security Court in February 1988. Four of them, Mr. Mohamed Yusuf Weirah, Mr. Omar Haji Mohamed, Mr. Osman Mohamed Ghelle and Mr. Mohamed Aden Sheikh, were acquitted on 1 February 1988; shortly after their release, however, they were placed under house arrest. After being sentenced to death on 7 February 1988, Mr. Ali Abokor and Mr. Omar Arteh Qalib had their sentences commuted first to unspecified prison terms on 11 February, then to house arrest on 14 February. In late october 1988, the measures for house arrest were lifted and the Inter-Parliamentary Council closed this file at its March 1989 session.

(h) Four cases in Sudan: Mr.Sadiq al-Mahdi, former Prime Minister, Mr. Mohamed Othman al-Mirghani, Leader of the Democratic Unionist Party (currently dissolved), Mr. Omar Nour al-Dayem, former Minister of Finance and Economic Planning, and Mr. Mohamed Ibrahim Nougoud, General Secretary of the Sudanese Communist Party (currently dissolved). These four members of the Constituent Assembly of Sudan were arrested and detained following the coup d'etat of 30 June 1989 and the unconstitutional dissolution of the Assembly. The Inter-Parliamentary Council has solicited information and it is to be hoped that, at its session in April 1990, it wll be in a position to close the file on several of the parliamentarians, who might have been released unconditionally.

(i) One case in Turkey: For some years, the Council has been examining the case of former parliamentarians on trial for activities carried out within the framework of the Turkish Peace Committee, a legal organization until the unconstitutional dissolution of the Turkish Parliament on 12 September 1980 (the Parliament was re-established in 1983). It is continuing to examine the case of Mr. Erol Saracoglu who may have to serve a prison term if the sentence handed down against him in April 1987 is upheld by the Military Court of Appeal. The Council noted that the judicial proceedings are based not on an individual concept of criminal responsibility but on a collective concept of such responsibility and that they are also based on the "a posteriori" illegal nature of acts and opinions which had not given rise to legal prosecution prior to the dissolution of the Turkish Peace Committee.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session

Agenda item 20

RIGHTS OF PERSONS BELONGING TO NATIONAL, ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

Written statement by the Inter-Parliamentary Union,* a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 February 1990]

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* One hundred and twelve National Parliaments are currently represented within the Inter-Parliamentary Union which also has an associate member, the European Parliament: Albania, Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Belgium, Benin, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Central African Republic, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mexico, Monaco, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, San Marino, Senegal, Singapore, Somalia, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, USSR, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

1. The rights of minorities (a question which, in recent years, has been treated more specifically in the context of six Inter-Parliamentary Conferences on European Co-operation and Security held since 1973 in support to the CSCE process) were once again addressed by all of the Union's members during the past year. The 81st Inter-Parliamentary Conference, held in Budapest from 10 to 18 March 1989, adopted a resolution on the topic of "Contribution to the United Nations efforts to achieve complete decolonization, end racism and apartheid, and promotion of the individual and collective rights of nationalities and ethnic minorities".

2. The members of the Commission on Human Rights will find in annex, for their information, the portions of the resolution adopted by the 81st Conference which concern the individual and collective rights of nationalities and ethnic minorities.

ANNEX

CONTRIBUTION TO THE UNITED NATIONS EFFORTS TO ACHIEVE (...) AND PROMOTION OF THE INDIVIDUAL AND COLLECTIVE RIGHTS OF NATIONALITIES AND ETHNIC MINORITIES

(Resolution adopted by 937 votes to 49, with 75 abstentions)

The 81st Inter-Parliamentary Conference,

(...)

Deeply concerned that ethnic minorities in certain countries are still underprivileged and continue to be denied equal opportunities,

Bearing in mind the need for further development and better protection of the individual and collective rights of ethnic, religious and linguistic minorities,

Realizing that the majority of the many regional conflicts in today's world have a similar if not identical structure in that they all involve ethnic, linguistic, cultural, religious or other minorities or various types of national groups that have to coexist on the same territory,

Recalling the United Nations Charter, the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples and the 1966 International Covenants on human rights,

Recalling Article 27 of the International Covenant on Civil and Political Rights, which guarantees that in countries "in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall have the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language",

Emphasizing the need to alleviate the serious economic situation besetting ethnic minorities owing to the acute international economic crisis caused, inter alia, by colonialism and neo-colonialism which mainly affect the developing countries, and by the policies of oppression and exploitation to which these ethnic minorities are subjected,

Stressing that in the event of ethnic or other conflicts involving minorities within a State, the world community has a vital interest in obtaining a settlement when human rights violations are committed or peace and stability are threatened,

(...)

29. Regrets that certain independent and sovereign countries persist in their flagrant violation of the individual and collective rights of nationalities and ethnic minorities, and appeals to all States immediately to remove any legal or other restrictions which prevent any ethnic or other groups from fully enjoying equal rights as citizens;

30. Calls on States that are not parties to the International Covenants on human rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Convention on the Suppression and Punishment of the Crime of Apartheid, to ratify or accede to them;

31. Invites the Governments of the States signatories to the International Convention on the Elimination of All Forms of Racial Discrimination to promote the adoption of legislative, juridical and other measures to give full effect to its provisions;

32. Also invites States to take steps to abolish all juridical and other restrictions that prevent ethnic or other population groups from enjoying the same rights as all citizens;

33. Expresses its conviction that the diversity of cultural particularities is as enriching as the diversity of nature which constitutes mankind's common heritage;

34. Resolutely supports the fundamental human right of all human beings, peoples, cultures or religious communities to safeguard their own identity;

35. Calls on all States to ensure that persons belonging to national minorities can disseminate, have access to, and exchange information in their mother tongue;

36. Calls on all States to ensure that persons belonging to national minorities can maintain and develop their own culture in all its aspects, including language, literature and religion, and that they can preserve their cultural and historical monuments and objects;

37. Calls on all States to ensure that persons belonging to national minorities can give and receive instruction in their own culture, including instruction through parental transmission of language, religion and cultural identity to their children;

38. Calls on all States to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of national minorities in their territory, including respect for the free exercise of rights by persons belonging to such minorities and assurance of their full equality with others;

39. Calls on all States to take appropriate measures to combat intolerance and to encourage understanding, tolerance and respect for national minorities;

40. Notes that in certain cases, the setting up of federalist structures can be the appropriate way of solving conflicts without recourse to force when these conflicts are ethnic or religious or linked to the problems of minorities, of allowing different population groups to live together in peace within the same State entity, and of checking secessionist tendencies;

41. Calls on all States to support the efforts of the United Nations Commission on Human Rights to draft a declaration on the rights of persons belonging to minorities;

42. Encourages Parliaments to draft and adopt the necessary legislation to guarantee the legitimate rights of minorities in their territories, in accordance with the requirements of the international agreements in this field;

43. Calls on all States to support the development of a strategy within their own countries to give substance, in a well-planned system, to all previous recommendations concerning national minorities.

CONTRIBUTION TO THE UNITED NATIONS EFFORTS TO ACHIEVE COMPLETE DECOLONIZATION, END RACISM AND APARTHEID, AND PROMOTION OF THE INDIVIDUAL AND COLLECTIVE RIGHTS OF NATIONALITIES AND OF ETHNIC MINORITIES

Vote on the resolution

Results of the vote

Affirmative votes 937
Negative votes 49
Abstentions 75

	YES	NO	ABS		YES	NO	ABS		YES	NO	ABS
Albania	11	-	-	Germany (Fed.Rep.)	8	10	-	Poland	15	-	-
Algeria	14	-	-	Greece	9	-	3	Portugal	1	-	11
Angola	12	-	-	Guatemala	absent			Rep. of Korea	16	-	-
Argentina	15	-	-	Hungary	13	-	-	Romania	14	-	-
Australia	7	6	-	Iceland	9	-	-	Rwanda	10	-	-
Austria	6	-	6	India	23	-	-	San Marino	8	-	-
Belgium	7	-	5	Indonesia	21	-	-	Senegal	12	-	-
Bolivia	absent			Iran(Islam.Rep.)	16	-	-	Somalia	10	-	-
Brazil	14	-	4	Iraq	13	-	-	Spain	14	-	1
Bulgaria	10	-	-	Ireland	10	-	1	Suriname	9	-	-
Cameroon	13	-	-	Israel	-	-	11	Sweden	absent		
Canada	6	6	-	Italy	17	-	-	Switzerland	8	-	4
Cape Verde	9	-	-	Japan	20	-	-	Syrian Arab Rep.	13	-	-
Centr.Afr.Rep.	absent			Jordan	10	-	-	Thailand	17	-	-
China	23	-	-	Kenya	14	-	-	Togo	10	-	-
Colombia	14	-	-	Lebanon	9	-	-	Tunisia	12	-	-
Congo	11	-	-	Liberia	absent			Turkey	17	-	-
Costa Rica	absent			Luxembourg	absent			Un.Arab Emirates	9	-	-
Côte d'Ivoire	10	-	-	Malaysia	13	-	-	United Kingdom	6	11	-
Cuba	13	-	-	Malta	4	-	5	Un.Rep. Tanzania	13	-	-
Cyprus	9	-	-	Mexico	16	-	-	Un.States America	11	11	-
Czechoslovakia	13	-	-	Mongolia	10	-	-	USSR	22	-	-
Dem.Peo.Rep.Korea	13	-	-	Morocco	-	-	14	Venezuela	absent		
Democratic Yemen	11	-	-	Mozambique	absent			Viet Nam	18	-	-
Denmark	absent			Nepal	13	-	-	Yemen	12	-	-
Ecuador	absent			Netherlands	8	-	5	Yugoslavia	14	-	-
Egypt	17	-	-	New Zealand	-	5	5	Zaire	12	-	-
Ethiopia	14	-	-	Nicaragua	10	-	-	Zambia	12	-	-
Finland	11	-	-	Norway	11	-	-	Zimbabwe	12	-	-
France	absent			Pakistan	20	-	-				
German Dem. Rep.	13	-	-	Philippines	17	-	-				

N.B. This list does not include certain delegations present at the Conference which were not entitled to vote by virtue of the provisions of Article 5.2 of the Statutes.

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Item 9 of the agenda

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 January 1990]

The following declaration was adopted on 22 March 1989 by the National Council of Mi'kmaq Chiefs, which has been formed to represent the chiefs and councils of the 29 Mikmaq communities of Nova Scotia, New Brunswick, Quebec, Newfoundland, Prince Edward Island, and Maine, in a single national political assembly. The Sante' Mawi'omi wjit Mi'kmaq (Mikmaq Grand Council), a member of the Four Directions Council, and the traditional national Government of the Mikmaq people for many centuries before the arrival of European settlers in North America, fully supports this effort to form a democratic national assembly which is representative of all Mikmaqs in the territories of Canada and the United States.

DECLARATION OF MI'KMAQ FIRST NATIONS

"Before there was a Canada, there was the Mi'kmaq Nation.

We are sons and daughters of the Master of Life, the Great Creator, and it is from this mighty power that we have received the right to rule over our own destiny.

We are guided by the hand of the Great Creator when we proclaim to all the world that the Mi'kmaq First Nations have inalienable rights and freedoms which include:

The right to self-government, and the right to maintain and enhance our own institutions of self-government;

The right to have our sovereign title to land respected by all other governments;

The right to have our treaties recognized, affirmed and enforced by the Crown, in accordance with the original spirit and intent of those solemn agreements;

The right to educate our children in the history of our people, the language of our nation, the religion of our forefathers and the lessons of survival and happiness in the world in which we live;

The right to our nation's fair share of the natural, economic, and fiscal resources of this land called Canada.

We hold the truth of these principles we proclaim to be self-evident and we, as chiefs of the Mi'kmaq nation do swear to protect and preserve our inherent rights as a sacred trust in favour of our generations still unborn."

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COMMISSION ON HUMAN RIGHTS
Forty-sixth session
Agenda item 17

STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 February 1990]

CIVIL AND POLITICAL RIGHTS OF THE MIKMAQ PEOPLE

1. The following statement is transmitted to the Commission on Human Rights on behalf of the Sante' Mawi'omi wjit Mikmaq (Mikmaq Grand Council), which is the traditional national Government of the indigenous Mikmaq people of north-eastern North America, and one of the members of the Four Directions Council, and on behalf of the National Council of Mikmaq Chiefs, comprising the elected leadership of the 29 Mikmaq communities of Canada and the United States.

2. As reported to the Commission on Human Rights in document E/CN.4/1988/NGO/37, the Mikmaq Grand Council acceded to the two International Covenants on Human Rights in 1987. Although this action has not yet been recognized by the Secretary-General, the Grand Council transmitted a report to the Committee on Economic, Social and Cultural Rights last year (E/C.12/1989/NGO/1), and the present document contains information on civil and political rights.

3. Article 1 (self-determination). Mikmaq people do not enjoy the right to self-determination. The Mikmaq nation was divided into many small "bands" by the Government of Canada in the 1950s, and each "band" must administer itself in accordance with rules and regulations contained in Canada's Indian Act. Negotiation of new administrative arrangements has been undertaken over the past few years, but it is uncertain whether the Parliament of Canada will approve any new arrangement that confers genuine legislative power on the "bands", or upon the Mikmaq nation as a whole.

4. Articles 2 (1), 3 and 26 (non-discrimination). In accordance with Canada's Indian Act, only those persons who are considered to be "Indians" under that Act have the right to live on "Indian reserves", which are what remains of Mikmaq national territory. Under the Indian Act, only the child of an "Indian" father could be registered as an "Indian". Children of an "Indian" mother and non-"Indian" father were classified as white. The Human Rights Committee found that this was inconsistent with the International Covenant on Civil and Political Rights in 1981. Canada responded by amending the Indian Act in 1985, in such a way that children in the future, to be considered "Indian", will have to have at least one-fourth "Indian" blood (one Indian parent and one Indian grandparent). The new Indian Act therefore replaces sexism with racism as a basis for discriminating among our children.

5. Beginning in the 1780s, British and Canadian authorities granted Mikmaq land to European settlers without Mikmaq consent. In the 1840s, about 1 per cent of the territory of Nova Scotia, and smaller proportions of other coastal provinces, were set aside as "reserves", but Mikmaqs never agreed to give up their rights to other lands or resources. The Government of Canada then tried to "centralize" all Mikmaqs on two "reserves" in the 1940s, confiscating the remainder. While this programme was never completed, it reduced by half what was left of Mikmaq territory. Mikmaq authorities have been seeking a negotiated settlement of land claims with the Government of Canada since 1973, but have repeatedly been told that Mikmaq rights to non-reserve lands were "superseded by law", and are therefore non-negotiable. Although some losses of "reserve" lands have been compensated by Canada, most are also still in negotiation.

6. Articles 2, 4 and 5 (remedies, derogation, limitations). The legislation establishing the Canadian Human Rights Commission explicitly deprives the Commission of jurisdiction over matters relating to the Indian Act. This deprives Mikmaqs of a domestic remedy for violations of the Covenant, which is available to all other persons in Canada.

7. Article 6 (right to life). No present institution of Mikmaq self-government has the authority to deprive anyone of the right to life. However, we note that the economic, environmental and health conditions inflicted on Mikmaqs by the land policy of the Government of Canada have resulted in higher infant mortality and poorer adult health among Mikmaqs than among other sectors of the population of Atlantic Canada.

8. Articles 7 and 8 (torture, slavery). Mikmaq authorities have no power to detain, physically punish or coerce any person at the present time. It should be observed, however, that most Mikmaqs today depend on government financial assistance for a major part of their subsistence, as a result of past

confiscations of lands, and ongoing discrimination. Individual Mikmaqs often feel that their treatment by Federal assistance agencies is humiliating and degrading.

9. Articles 9 to 11, 14 to 16 (fair legal process). Canada does not recognize or permit the exercise of judicial powers by Mikmaq bands. Mikmaqs are subject to the criminal code of Canada, and are prosecuted in non-Mikmaq courts constituted by Canada's provincial governments. At the present time, a public inquiry is being conducted into systemic racism and discrimination against individual Mikmaqs in these provincial courts, and the report of the inquiry will be transmitted to the Commission on Human Rights as soon as it becomes available.

10. Mikmaqs believe that the Government of Canada has abused the criminal process, by prosecuting a growing number of Mikmaqs for hunting and fishing for their food. The Treaty of Halifax of 1752 between the Mikmaq Grand Council and Great Britain guarantees to Mikmaqs "free liberty of hunting and fishing as usual" everywhere within the country. In 1985, the Supreme Court of Canada decided that this guarantee had never been terminated. Mikmaq fishermen and hunters continue to be prosecuted despite the Supreme Court's decision, however, and the Government has refused to resolve this by putting any remaining questions of law to the Supreme Court in the form of a request for an advisory opinion. In the individual prosecutions, the Government is arguing that this Treaty applied only to a single Mikmaq "reserve" in Nova Scotia - one that did not even exist in 1752.

11. Articles 12, 13 and 17 (freedom of movement and residence, privacy). As noted in paragraph 4, above, the Indian Act limits the right of all the members of Mikmaq families to live together on "reserves". Mikmaqs' freedom of movement is also impaired by discriminatory practices of the United States. Although both the Watertown Treaty of 1776 between the Mikmaq Grand Council and the United States, and the "Jay Treaty" of 1793 between Great Britain and the United States, ensure the right of Mikmaqs to cross the United States-Canadian border freely, there have been cases in which United States authorities have taken children away from their parents and have refused to return them to Canada. One such case, in California, is currently on appeal in the United States courts. Two States (Maine and Massachusetts) do have administrative relationships with Mikmaq authorities, but the United States national Government does not recognize the Watertown Treaty or regard Mikmaqs as indigenous people.

12. Article 18 (freedom of conscience and of religion). Although the Grand Council has enjoyed, in accordance with a concordat of 1620, a special relationship with the Catholic Church, all faiths are tolerated. Some Mikmaqs belong to Protestant denominations, are Ba'hai's, or belong to no church. It should be noted that, between the 1780s and 1820s the Government of Great Britain tried to expel Catholic priests from Mikmaq communities, and the Government of Canada subsequently encouraged efforts to convert Mikmaqs to the Church of England. From the 1920s to 1950s, Canada turned over all Mikmaq education to Catholic orders, which had more effect of stifling personal freedom than protecting Mikmaq religious convictions. Happily, these coercive measures have ceased. However, we are puzzled by the fact that the Catholic Church still regards Mikmaq congregations as "mission churches", which means that, even after 400 years of Catholicism, there is no Mikmaq diocese and Mikmaqs are not permitted to govern their own parishes.

13. Articles 19, 21 and 22 (freedom of expression, assembly, and of association). Mikmaqs have been fortunate to enjoy unfettered freedom to criticize their own leadership, as well as the Government of Canada, and to benefit from an independent Mikmaq press (the Mikmaq News). The effectiveness of this freedom is limited by poor education (more than 80 per cent of Mikmaq children fail to complete secondary school) and poor literacy in the official languages of Canada. At the same time, public schools and public agencies refuse to use Mikmaq, which is a written language.

14. Article 20 (propaganda for war or racism). ECOSOC resolution 1988/35 and article 31 of the ILO Convention No. 169 call upon States to ensure that textbooks and other educational materials provide an accurate representation of indigenous peoples, their cultures and histories. Unfortunately, Mikmaq children in public schools are still taught from books that celebrate colonization of their land and make little or no reference to their existence. At the present time there is only one independent, bilingual-bicultural Mikmaq-controlled school system (at Chapel Island Reserve). More such systems would be organized if the Government of Canada would give them the same financial resources and accreditation as the public schools administered by provinces.

14. Articles 23 and 24 (families and children). The Mikmaq Grand Council places a high priority on family life and the protection of children, participated actively in the drafting of the United Nations Convention on the Rights of the Child, and has discussed with UNICEF the possibility of organizing international technical seminars on cultural issues affecting indigenous children. There is now an independent Mikmaq family and child welfare services agency, which we hope to strengthen. The Grand Council is firmaly opposed to the removal of Mikmaq children from their communities by provincial social-service agencies, when these children can be cared for by kinsmen and neighbours without loss of their Mikmaq cultural identity and language.

15. Article 25 (participation in public affairs). Mikmaqs share both a traditional form of government - the Grand Council - and band councils established under the Indian Act. The Grand Council chooses its own members on nomination from the communities, and has no coercive legal powers; band councils are constituted by election, but depend upon the Government of Canada for finances. Band council actions are moreover subject to the approval of the Federal Minister for Indian Affairs and Northern Development, who is not chosen by Mikmaqs. Mikmaqs do not constitute a majority of any provincial or Federal election district, and therefore do not have any effective influence on these levels of government.

16. Article 27 (minorities). Since Canadian law restricts the right of "non-Indians" to reside on "reserves", there are no non-Mikmaq minorities, as such, in Mikmaq communities. It should be noted, however, that Mikmaqs themselves do not enjoy the right to use their own language in surrounding non-Mikmaq communities. In anglophone provinces of Canada (and in Maine), Mikmaq children are instructed in English and required to learn French, while in Quebec they are instructed in French and required to learn English. Nowhere is Mikmaq accepted as an official language or language of instruction by Canadian authorities.

17. This initial report has focused on a number of contemporary and unresolved problems. We hope in our next report (in 1992) to be able to identify solutions undertaken or proposed by the Grand Council, the National Council of Chiefs and the communities themselves. Lack of resources and lack of effective legal authority for self-government are clearly the root causes of the problems, however, and we believe that they can be addressed only through a process of constitutional development within Canada.

18. The Grand Council and National Council welcome comments on this information, and will also distribute this report widely in Mikmaq communities with the aim of stimulating discussion and the organization of collective action.

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Agenda item 8

QUESTION OF THE REALIZATION OF THE RIGHTS TO DEVELOPMENT

Written statement submitted by the Habitat International Coalition, a non-governmental organization on the Roster

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[1 February 1990]

1. Habitat International Coalition would like to appeal to the United Nations Commission on Human Rights to devote more of its attention to the right to housing. The fact that more than one billion people are either inadequately housed or have no home at all and have to sleep on the streets or in parks, makes the problem of homelessness one of the largest and most agonizing infractions of human rights.

2. An encouraging step towards solving this problem was set by the United Nations when it adopted, in December 1988, the Global Strategy for Shelter to the Year 2000. This Strategy is based on the recognition of the hard fact that neither governments nor international organizations have sufficient financial resources to provide the entire population with adequate houses and that therefore an appeal must be made to community-based organizations and the NGOs which assist them to contribute with their initiative, skills and man- and womanpower. The main objective of the

Strategy has been described as one "of making conditions for self-help and mutual aid as favourable as possible through sets of enabling action in support of locally determined, self-organized, and self-managed settlement programmes". */

3. In the opinion of Habitat International Coalition, the adoption of a legal framework which would clearly set out the rights and obligations of the governmental and non-governmental actors in these programmes would be an essential component of the Strategy. It would notably reinforce the position of the weakest sectors of society by reconfirming their right to organize themselves for the improvement of their housing and living conditions and to participate in the planning, construction and maintenance of their direct environment.

4. Although the right to housing has been recognized in the International Covenant on Economic, Social and Cultural Rights, this has been done in such general terms that the practical use of this recognition is limited. In order to be legally implementable the right to housing has to be disaggragated into specific legal provisions in a separate Convention on Housing Rights. This Convention would have to contain articles on such subjects as access to land, building materials, credit facilities and basic services as well as on community participation.

5. Habitat International Coalition proposes that the Commission on Human Rights take the necessary action for the drafting of such a Convention in consultation with other concerned governmental, non-governmental and community-based organizations.

6. Recently, Habitat International Coalition has started a discussion on the right to housing among its members and other like-minded organizations. The objective of this discussion is twofold: on the one hand it aims at creating a greater awareness among community-based organizations of how they can make use of existing legislation for the protection or improvement of their housing situation and which new legislation could help them in this respect; on the other hand, it hopes that the discussion will lead to the formulation of certain principles which can be taken into account in the drafting of an international Convention.

7. Habitat International Coalition realizes that the preparation of an international Convention on Housing Rights may take several years. It is, however, of the opinion that one particular form of violation of this right needs the immediate attention of the Commission: the repeated occurrence in several countries of mass forced evictions of poor people from their houses and squatter settlements. It is estimated that there are several hundreds of thousands of victims of such evictions each year.

8. Habitat International Coalition requests the Commission to urge Governments to make an end to these practises. It also proposes that, awaiting the adoption of an international Convention on Housing Rights, agreement be reached on international Rules of Conduct in Case of Evictions. These Rules could, as a minimum, declare that evictions will only take place in exceptional circumstances at the decision of a judge or a local council and under the following conditions:

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*/ Global Report on Human Settlements 1987; p.195.

(a) Those to be evicted will receive a notice of at least three weeks;

(b) During at least two weeks after receipt of the notice they can make an appeal against the eviction to an impartial authority designated by law;

(c) The eviction will not take place before the authority has given his final judgement about the case;

(d) Those to be evicted will be rehabilitated in another location, reasonably near their places of work and to be decided together with them;

(e) Those evicted will receive a compensation for the property they have lost or which has been damaged as a result of the eviction;

(f) No eviction will take place which will not respect the cultural environment or the ethnic identity of the people concerned;

(g) Those responsible for illegal eviction will be liable to criminal persecution.